

IV. REMARKS

Claims 1 and 4 are amended.

The specification has also been amended to provide reference numerals for the flat outer surface, projecting peripheral border and recessed peripheral border assist the Examiner with any misunderstandings the Examiner may have with respect to Applicant's claims. No new matter has been added. Replacement drawing sheets being submitted herewith.

Claim 1-3 and 5 are definite under 35 USC 112. It is respectfully submitted that a rejection under 35 USC 112 cannot be sustained based on any misunderstanding the Examiner may have with respect to the claim language. The Examiner is respectfully reminded that the test for definiteness under 35 U.S.C. 112, second paragraph is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." MPEP 2173.02 quoting *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, (Fed. Cir. 1986). It is submitted that one skilled in the art (or even those not skilled in the art) would understand what is claimed in Applicant's claim 1 when reading the claim in light of, as a non-limiting example, Figs. 3 and 4 and of Applicant's specification. The features of Applicant's claim 1 (in particular, the integral flat outer surface surrounded by the integral recessed peripheral border) are clearly shown in e.g. Figs. 3 and 4 and described in the claim in such a way that one reading the claim and looking at the Figures would readily

understand what is being claimed and which structures are mounted to the wall. Applicant would also like to direct the Examiner to, as another non-limiting example to help remedy any misunderstanding the Examiner may have with respect to the claims, page 6, line 16 through page 8, line 2 which clearly describes which surfaces mount to the walls and their orientations with respect to the walls. For example, page 7, lines 3-16 as amended recites in part,

...The vent covers 10 have an integral flat outer surface 40 that is recessed outwardly around the periphery to form an integral recessed peripheral border 41 for strength, and are provided with a spaced pair of rear ribs 14, 15 which extend lengthwise across the recessed rear or inner surface 13 of the vent cover 10. The recessed rear surface 13 is surrounded by an integral projecting peripheral border 42 where the ribs 14, 15 project from recessed rear surface 13 a distance of about 0.25 inch, the extent of the recess, and are spaced from each other and from the edges of the recess by about 3" to impart rigidity and strength to the covers 10...

Page 7, lines 3-16 definitively describes the reinforcing ribs with respect to the integral projecting peripheral border and the recessed inner surface. Page 7, lines 24-29 recite,

When the vent cover is being fastened to the wall, the fasteners pass through the holes 16 and through the insulating tape 17, and the plastic foam insulation is compressed against the cement block surface to provide a good seal against air and humidity passage.

Page 7, lines 24-29 in conjunction with Figs. 1, 3 and 4, clearly describes the orientation of the recessed portion with respect to the wall and which structure is mounted to the wall.

Applicant has also provided the Examiner with an annotated Figure 4, which is attached hereto as Exhibit A to illustrate the claim language. Again, the test for definiteness is whether those skilled in the art would understand what is claimed when the claim is read in light of the specification and drawings. This test is clearly satisfied in this case and the rejection under 35 USC 112 should be withdrawn.

Claims 1-3 and 5 are patentable under 35 USC 103(a) over Crute, Jr. (US 2834278, hereinafter "Crute"), Snyder (US 6601356) and Tegland (US 5713172). Claim 1 recites in part a rectangular panel of unitary construction molded from durable plastic composition with an integral flat outer surface surrounded by an integral recessed peripheral border, the recessed peripheral border being recessed relative to the flat outer surface and an integral recessed inner surface surrounded by an integral projecting peripheral border, said recessed inner surface being recessed relative to the projecting peripheral border. These features are not disclosed or suggested by the combination of Crute, Snyder and Tegland.

Crute discloses a vent closure having a housing structure constituted by the wall portions 20, 46, 26 which form an insulating space 46 (Col. 3, L. 14-47). There is absolutely no disclosure in Crute that the housing structure is molded in a unitary construction molding as called for in Applicant' claim 1. The term "unitary construction" has been interpreted to mean

made in one piece, not made in multiple pieces (See e.g. *Pall Corp. v. PTI Technologies Inc.*, 259 F.3d 1383, 59 USPQ2d 1763 (Fed. Cir. 2001)(unitary construction is not two separate components welded together)). Crute specifically recites that the wall portions are secured together by e.g. welding when the housing is constructed of a weldable metal or solvent welded when the housing is constructed with plastic material. Thus, the vent closure in Crute is constructed of at least two separate pieces (e.g. wall portion 20 and the wall portion formed by walls 46, 26) and is not of "unitary construction" as is called for in Applicant's claims.

Moreover, Applicant is not simply claiming a unitary construction but is claiming unitary construction that is molded. This language cannot be ignored by the Examiner as a molded unitary construction is structural language that defines Applicant's claimed air vent cover. It is noted that in Crute at least the flat outer surface and side walls formed by wall portions 26, 24 are separate pieces from the recessed border formed by wall portion 24, and the recessed inner surface formed by wall portion 26 is a separate piece from the projecting border formed by wall portion 20. Thus, Crute has no unitary construction molding having an integral flat outer surface surrounded by an integral recessed peripheral border, the recessed peripheral border being recessed relative to the flat outer surface and an integral recessed inner surface surrounded by an integral projecting peripheral border, said recessed inner surface being recessed relative to the projecting peripheral border as recited in Applicant's claims. Crute merely discloses separate pieces that are welded together and nothing more. As described above, these welded pieces of Crute are simply not the

same as unitary construction molding recited in Applicant's claim 1.

It is further noted that Snyder and Tegland do not disclose or suggest a vent cover having a unitary construction molding with the structural features of Applicant's claim 1. Snyder merely discloses a connector frame 10 for mounting grilles at ventilation openings in a building structure (Abstract). The only disclosure in Snyder of a cover is shown in Fig. 4 and at column 4, lines 6-10 which merely describes "a grille 32 is shown in FIG. 4 ready to be mounted on the connector frame 12". There are absolutely no details of the grille disclosed in Snyder. Therefore, Snyder cannot disclose or suggest a vent cover having a unitary construction molding with the features recited in Applicant's claim 1. Tegland merely discloses a floor vent and nothing more. All that is disclosed in Tegland is a thin styrofoam blockout 44 affixed at the top shell opening. This thin styrofoam blockout 44 can in no way be considered as a vent cover having unitary construction molding with the features recited in Applicant's claim 1 as the thin styrofoam blockout 44 is just a block of foam and nothing more.

Applicant's claim 1 also recites that the recessed peripheral border is provided with a plurality of holes for receiving attachment means for fastening the cover to a crawlspace wall. Applicant maintains that this feature is not disclosed or suggested by Crute for the reasons described in Applicant's prior response submitted on January 11, 2008 the arguments of which are incorporated by reference herein in their entirety.

Combining Snyder with Crute fails to remedy the above noted deficiency of Crute. Snyder merely discloses a connector frame (10) for use as a support member for mounting grills at the

ventilation openings of a building's heating, cooling and ventilation (HVAC) system (Col. 1, L. 14-18). There is absolutely no disclosure whatsoever in Snyder of a vent cover as recited in Applicant's claim 1. All that Snyder discloses is that a "commonly manufactured" grill (32) (See Fig. 4; Col. 5, L. 6-8) can be mounted on the connector frame (12) by a pair of threaded screws (33, 34). The screws (33, 34) pass through mounting holes (37, 38) in the grill (32) and are inserted into open apertures in the frame projections (21, 22) (Col. 4, L. 6-10). As can be seen in Figure 4, the grill (32) does not have a flat outer surface surrounded by a recessed peripheral border provided with a plurality of holes for receiving attachment means for fastening the cover to a crawlspace wall or integral projecting reinforcing ribs which extend across the width of the panels and project from the integral recessed inner surface inwards towards the integral projecting peripheral border as claimed in Applicant's claim 1. The grill (32) in Snyder is merely disclosed as having louvers for the passage of air and the holes (37, 38) are not located on a recessed peripheral border.

Snyder is only cited by the Examiner as disclosing a vent cover having a plurality of screw holes in the flange portion of the frame (See page 3 of the office action). However, the screw holes (150) in Snyder are not located in a vent cover. Rather these holes (150) are located on the connector frame (10) and allow for the mounting of the connector frame (10) and nothing more. It is noted that the grill (32) (which does not have a flange as claimed by Applicant) is mounted to the connector frame via holes (162) or holes (164). (Col. 5, L. 44-61). As can be seen in Fig. 4 of Snyder the holes 37, 38 in the grill 32

are located on the flat surface of the grill and not on a recessed or projecting border.

Combining Tegland with Crute and Snyder also fails to remedy the above noted deficiencies. Tegland is cited as disclosing reinforcing ribs. However, Applicant's claim 1 recites integral projecting reinforcing ribs which extend across the width of the recessed inner surface and project from the integral recessed inner surface inwards towards the integral projecting peripheral border. This is not what is disclosed in Tegland. In Tegland the reinforcing ribs 36, 40 extend outwardly away from the sides 20, 24, 12 of the shell (Figs. 1-5 and Col. 3, L. 48-52). There is absolutely no disclosure in Tegland that the reinforcing ribs 36, 40 project from the integral recessed inner surface inwards towards the integral projecting peripheral border, as there is no recessed surface disclosed in Tegland. Moreover, Tegland does not disclose any reinforcing ribs on a vent cover as called for in Applicant's claim 1. Tegland discloses a potato storage floor air vent that is located in a floor and surrounded by concrete where the reinforcing ribs serve to anchor the vent within the concrete floor slab (Col. 2, L. 28-39). Thus, because Tegland does not disclose or suggest integral projecting reinforcing ribs which extend across the width of the recessed inner surface and project from the integral recessed inner surface inwards towards the integral projecting peripheral border, one skilled in the art would not look to the reinforcing ribs 36, 40 of Tegland (which extend from an outer surface of a vent shell for anchoring the vent in a concrete slab) for modifying Crute as suggested by the Examiner.

Thus, for the above noted reasons, the combination of Crute, Snyder and Tegland does not disclose or suggest an air vent

cover having a rectangular panel of unitary construction molded from durable plastic composition with an integral flat outer surface surrounded by an integral recessed peripheral border, the recessed peripheral border being recessed relative to the flat outer surface and being provided with a plurality of holes for receiving attachment means for fastening the cover to a crawlspace wall and an integral recessed inner surface surrounded by an integral projecting peripheral border, said recessed inner surface being recessed relative to the projecting peripheral border and being provided with integral projecting reinforcing ribs which extend across the width of the recessed inner surface and project from the integral recessed inner surface inwards towards the integral projecting peripheral border to reinforce the panels against warpage when they are fastened to the crawlspace wall as recited in Applicant's claim 1. Therefore, claim 1 is patentable over the combination of Crute, Snyder and Tegland.

Claims 2, 3 and 5 are patentable at least by reason of their respective dependencies.

Further, claim 5 recites a pair of reinforcing ribs spaced from each other by a distance of about 3". Nowhere is this feature disclosed or suggested by the combination of Crute, Snyder and Tegland.

Claims 1 and 5 are patentable under 35 USC 103(a) over Hempel (US 4502368) and Tegland (US 5713172). Claim 1 recites that said recessed inner surface is provided with integral projecting reinforcing ribs which extend across the width of the recessed inner surface and project from the integral recessed inner

surface inwards towards the integral projecting peripheral border. This is not disclosed or suggested by the combination of Hempel and Tegland.

The Examiner admits that Hempel does not disclose reinforcing ribs as claimed by Applicant. It is submitted that combining Tegland with Hempel fails to remedy this deficiency for the reasons described above. In particular, the reinforcing ribs 36, 40 in Tegland extend outwardly away from the sides 20, 24, 12 of the shell (Figs. 1-5 and Col. 3, L. 48-52). There is absolutely no disclosure in Tegland that the reinforcing ribs 36, 40 project from the integral recessed inner surface inwards towards the integral projecting peripheral border, as there is no recessed surface disclosed in Tegland. Moreover, Tegland does not disclose any reinforcing ribs on a vent cover as called for in Applicant's claim 1. Again, Tegland discloses a potato storage floor air vent that is located in a floor and surrounded by concrete where the reinforcing ribs serve to anchor the vent within the concrete floor slab (Col. 2, L. 28-39). One skilled in the art would simply not look to the floor vent of Tegland for modifying the air vent cover of Hempel as suggested by the Examiner.

Further, modifying Hempel with Tegland as suggested by the Examiner would make Hempel unfit for its intended purpose (i.e. to cover a louvered air vent opening) (See MPEP § 2143.01). Column 2, lines 31-35 of Hempel recites that the portion 11, is open sided on the back or inside face of the cover to provide space within the cover so that the cover readily fits over a louver installed in an air vent opening. If ribs that project from the integral recessed inner surface inwards" (as called for in Applicant's claims) were added to the inside face of the

cover in Hempel the ribs would interfere with the louvers thereby preventing the cover in Hempel from being mounted to the air vent opening.

Thus, for the above noted reasons, the combination of Hempel and Tegland does not disclose or suggest that said recessed inner surface is provided with integral projecting reinforcing ribs which extend across the width of the recessed inner surface and project from the integral recessed inner surface inwards towards the integral projecting peripheral border. Therefore, claim 1 is patentable. Claim 5 is patentable at least by reason of its dependency.

In addition, claim 5 recites a pair of reinforcing ribs spaced from each other by a distance of about 3". Nowhere is this feature disclosed or suggested by the combination of Hempel and Tegland.

Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has reviewed the instant amendment and before issuance of the next office action.

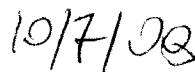
For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Janik Marcovici
Reg. No. 42,841



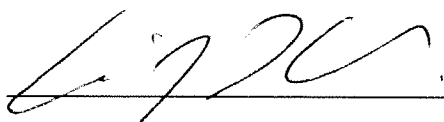
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

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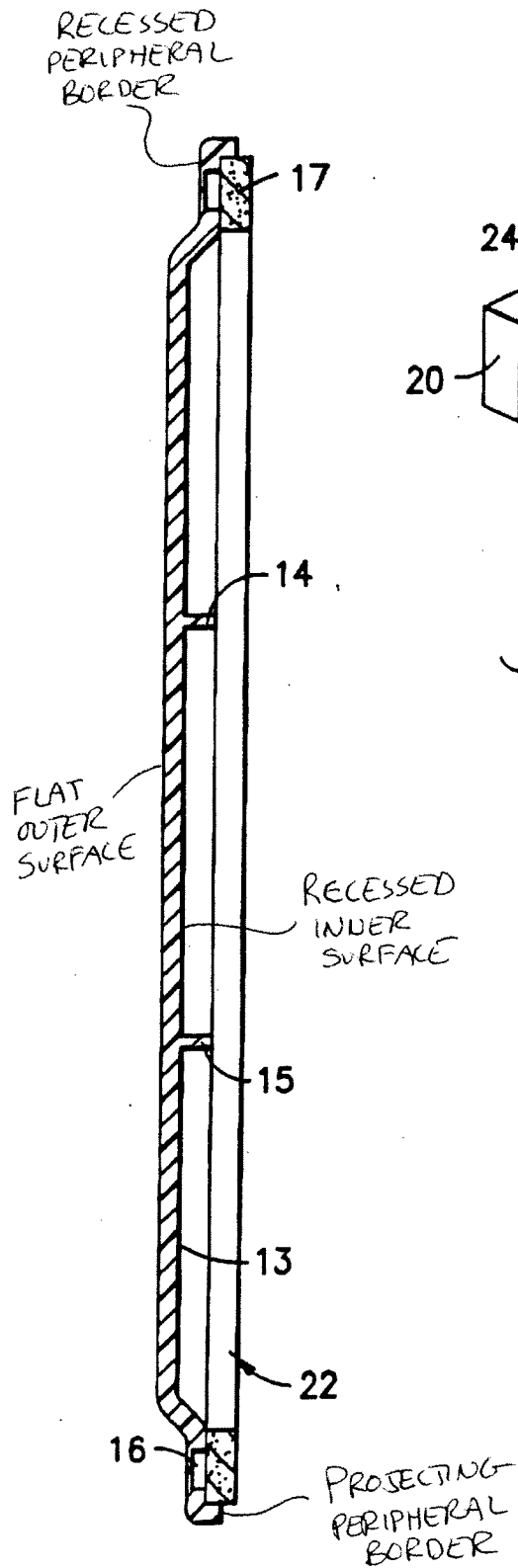


FIG. 4
(annotated)

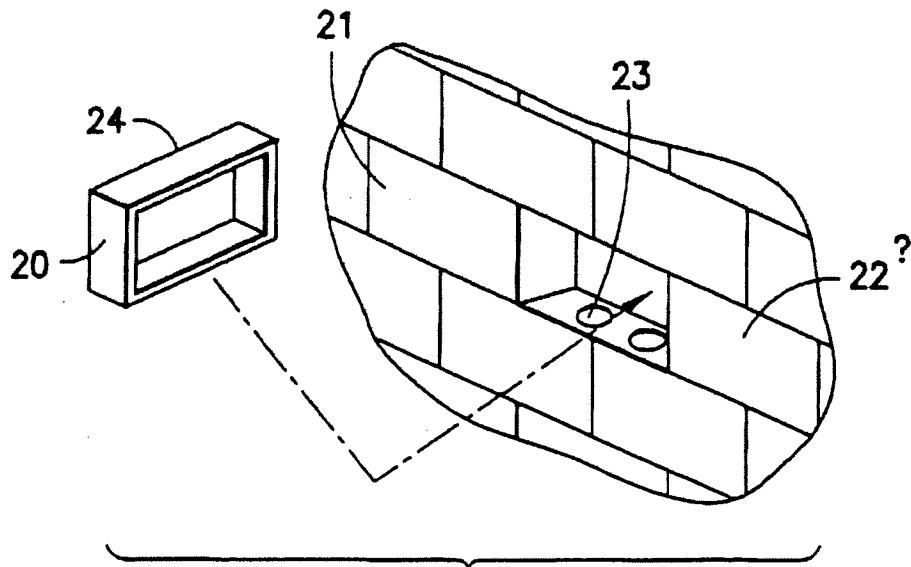


FIG. 5

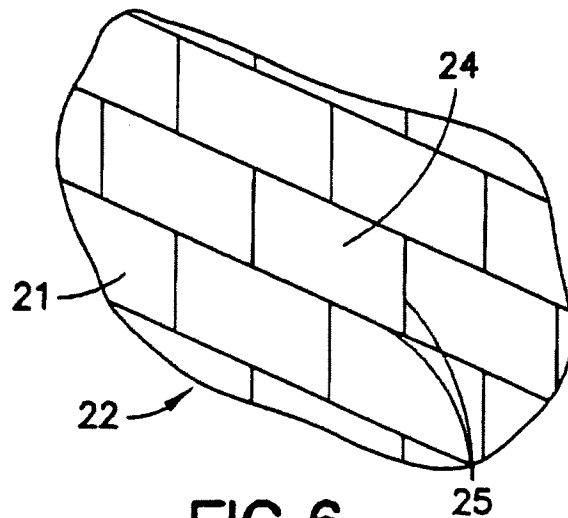


FIG. 6